

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 301 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SMT NITILABEN RAJESHKUMAR

Versus

MAGANBHAI BAWABHAI DESAI

Appearance:

MR JB PARDIWALA for Petitioner

Mr P M Thakkar, for M/S THAKKAR ASSOC. for Respondent No. 1

Mr M A Bukhari, APP for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 20/03/97

ORAL JUDGEMENT

This Criminal Revision Application is directed against the judgment and order passed by the Sessions Judge, Valsad at Navsari dated 22.6.1995 whereby the learned Judge quashed and set aside the order dated 7.1.1994 passed by the learned Judicial Magistrate First Class, Pardi issuing search warrant under section 93 of

the Criminal Procedure Code at the instance of the petitioner - Nitilaben Rajeshkumar Desai. It is not necessary to deal with the matter on merit as the dispute is with respect to certain articles which were at one time, belonging to the family consisting of the husband, wife and the father of the deceased. But on account of the unfortunate and untimely death of the husband of the petitioner, the dispute has arisen. Coming to the humanitarian aspects of the case, both the learned Counsel made their efforts to see that the parties sort out their disputes with respect to the present controversy. It is submitted by Mr P M Thakkar, learned Advocate appearing for the father of the deceased i.e. Maganbhai Desai-respondent that he will not claim the rest of the articles if the truck and the motor cycle are returned to him. He has made this statement under the instructions of his client. Mr Pardiwala, learned Advocate for the petitioner, under instructions of his client stated that he has no objection to this proposal. It is further stated that the truck is already in possession of Maganbhai Desai-the respondent. Mr Pardiwala submits that the motor cycle will be returned to the father-in-law within a period of 10 days from today. In view of the concessions made by both the learned Advocates the order of the learned Sessions Judge, Valsad at Navsari dated 22.6.1995 passed in Criminal Revision Application No.6/94 is quashed and set aside and the order of the learned Judicial Magistrate First Class, Pardi is restored only with modification to the aforesaid extent.

Rule made absolute accordingly.

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